



From War Crimes to Accountability: Examining the African Union's Response to Atrocities in Regional Conflicts

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Received: 10.08.2026 | Accepted: 13.09.2026 | Published: 14.10.2026

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DOI: [10.5281/zenodo.23358680](https://doi.org/10.5281/zenodo.23358680)

Abstract

Original Research Article

The African Union (AU) has continuously evolved its normative and institutional framework to combat, respond to and prevent serious violations of international humanitarian and human rights law in the context of an armed conflict on the continent. The AU is not only moving away from non-intervention to a doctrine of non-indifference to mass atrocities, but also to a range of new mechanisms of accountability that can be seen in the case of the Peace and Security Council (PSC), the African Peace and Security Architecture (APSA), the African Commission on Human and Peoples' Rights, peace support operations, and emerging regional accountability mechanisms. However, it has been observed that despite the presence of these mechanisms in African conflicts, there are still concerns about the efficiency of the mechanisms in relation to the alleged war crimes, crimes against humanity etc. This article presents the AU's approach to countering conflict-related atrocities, with particular attention to the Boko Haram insurgency in the Lake Chad Basin as a key case study, and also draws comparative lessons from other African conflicts. It critically examines the AU's relationship with the PSC, with regional economic communities, with Member States, with peace operations and with international criminal justice bodies in the context of preventing violations, documenting atrocities, protecting civilians and holding those responsible to account. The article uses a qualitative comparative approach through documentary analysis of AU legal instruments, policy papers, conflict and human rights reports, international legal materials, and relevant scholarly literature to pinpoint areas of difference between normative commitments and enforcement practices. It states that this is still holding back continental accountability due to political sovereignty, limited institutional capacity, fragmented regional responses, insufficient evidence preservation, and reliance on member-state co-operation. The AU's principle of non-indifference offers substantial normative underpinning for collective action, but greater coordination among peace operations, human-rights monitoring organs, regional institutions, domestic courts and international justice is needed to create effective accountability.

Keywords: War crimes, Boko Haram, Lake Chad Basin, Peace operations, Regional Justice.

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Introduction

The ongoing armed conflict in Africa has led to significant violations of international humanitarian law and international human rights

law, such as killings of civilians, forced displacement, sexual violence, unlawful detention, torture, destruction of civilian property and attacks against persons who do not



take direct part in hostilities. These conflicts are not uniform in nature or intensity in different parts of the continent, but a common theme is the lack of clarity as to how to hold perpetrators to account when condemning the perpetration of atrocities. This challenge is especially important as the African Union (AU) has instituted a relatively ambitious continent-wide mechanism to prevent conflict, protect populations and tackle impunity. The continent has taken a long stride away from the OAU rules of state sovereignty and non-interference with other countries' affairs, as evidenced by the establishment of Peace and Security Council (PSC), the African Peace and Security Architecture (APSA), regional peace support operations, human-rights institutions and the adoption of the African Union Transitional Justice Policy. The AU's principle of non-indifference is a characteristic of this transformation. The Union is entitled to intervene in a member state in the event of grave circumstances, such as war crimes, genocide and crimes against humanity, as stated in Article 4(h) of the Constitutive Act of the Union. The previous focus was on state non-interference in each other's affairs. The same instrument also expressly condemns and rejects impunity and affirms respect for human rights, the rule of law and the sanctity of human life (African Union, 2000).

In 2019, the AU adopted its Transitional Justice Policy, which gives a continental framework for dealing with the legacies of violence through justice, accountability, reparations, reconciliation, institutional reforms and other means that are relevant to the respective national contexts. The Policy acknowledges that sustainable peace is not only about ending armed conflict; societies emerging from violent conflict need to address violations and grievances that contribute to the cycles of violence and impunity (African Union, 2019). In the same vein, recent scholarship indicates that AU's humanitarian and peace-and-security policies have been increasingly focused on building regional and national capacities for prevention and response to suffering that can only be enacted after the outbreak of violence (Negm, 2022). Even after this normative and institutional change, through

paper accountability exists, but not in practice. The AU Peace and Security Council has conducted extensive conflict-prevention, peace-enforcement, peace-support and civilian-protection activities, but sometimes in a disjointed or inconsistent manner with respect to its response to the violations of international humanitarian law and its link to concrete accountability measures. A recent study of the PSC's practice suggests that the range of responses to offences can be from a general condemnation up to more prescriptive steps, with an inadequate clarity as to the escalation process. This gap in effectiveness lessens the deterrent impact of continental action and leads to perceptions of political selectivity (International Review of the Red Cross, 2026).

The situation in the Lake Chad Basin in relation to the conflict of Boko Haram is a good case example of this problem. The war has brought about humanitarian and human rights consequences and has impacted Nigeria, Cameroon, Chad and Niger. The AU has been promoting regional military cooperation through the Multinational Joint Task Force (MNJTF) and has also called for adherence to the international humanitarian and human-rights laws. The AU noted in 2024 that Boko Haram operations were taking place under its Compliance and Accountability Framework (CAF) and called for continued cooperation in the region. However, military degradation of an armed group is not a measure of accountability for atrocities. As the Lake Chad Basin case shows, justice for victims remains hard to achieve. This Amnesty International report showed that Boko Haram and Nigerian security forces have committed violations of international humanitarian law and human-rights abuses, and that girls and young women who have been impacted by the conflict are still not getting justice or reintegration support (Amnesty International, 2024). Previous Human Rights Watch reporting also pointed to delays in local prosecutions of Boko Haram suspected individuals and doubts about the security forces' accountability for the commission of abuses. This begs the question: why is there still a lack of accountability for grave violations when the AU and its regional partners have mechanisms for peace, security

and human-rights protection?

The study has been guided by the following central issue: Why there is the persistent implementation gap between the Africa Union norm of eradicating impunity and their capacity to hold perpetrators accountable for war crimes and other grave violations? The AU has some critical legal and institutional tools, but they are limited due to several interconnected issues. Firstly, the concept of state sovereignty permeates the openness of member states to external scrutiny or intervention. The first is the presence of the principle of state sovereignty affecting the openness of states for external scrutiny or intervention. Secondly, the shared responsibility amongst the AU, Regional Economic Communities (RECs), national governments, African human-rights institutions and international criminal justice institutions can lead to institutional division. Thirdly, peace operations tend to focus on short-term military and stabilisation goals, and investigation and evidence preservation and prosecution are accorded relative less consideration. Finally, good accountability often relies on the goodwill and co-operation of the institutions that might be involved in accusations of abuse by the very states that are held accountable. This is hardly just because Africa lacks accountability systems, however. Instead, it's about the possibility of effectively coordinating and institutionalizing current mechanisms in investigations, prosecutions, reparations, and other means of justice (Shilaho, 2023). The challenge is especially significant in the context of political exclusion and marginalisation leading to human-rights abuses and increased insecurity. For instance, Ibietonye and Kiale (2023) show how political exclusion, abuse of citizens' rights and threats to national security are interconnected in Nigeria, highlighting the importance of not only coercive measures but also political and institutional engagement for sustainably addressing security threats.

In this context, the present article looks at the AU's attitude to war crimes and other serious breaches of the law, focusing on the Boko Haram conflict in the Lake Chad Basin, and draws inferences from other conflicts in Africa. It

concludes that the AU has established a good normative framework for collective action against atrocities but the effectiveness of this framework relies on better coordination of peace and security institutions, human rights monitoring, the preservation of evidence, domestic prosecution, regional justice systems, and international criminal justice systems. What are the normative and institutional frameworks that the African Union has set up to prevent, respond and promote accountability for war crimes and other serious violations? What have been the results of the African Union's Peace and Security Council and the pan-African Peace and Security Council framework with regards to the atrocities happening from the Boko Haram conflict in the Lake Chad Basin? What are the political, legal, institutional and operational restrictions that are inhibiting the African Union's ability to operationalize its principle of non-indifference in the context of addressing accountability? The co-operative relationship between the African Union, and the Regional Economic Communities (RECs) to improve accountability for atrocity crimes, and the relationship between political exclusion, violation of citizens' rights and national-security challenges in Nigeria, indicate that sustainable security must be achieved not just through coercive measures, but through attention to political inclusion and institutional responsibility.

Theoretical Framework

This study draws on the dominant theory of Constructivist Institutionalism, a theory founded by Colin Hay, but also rooted in and informed by Alexander Wendt's broader work in the constructivist tradition, March and Olsen's institutional and normative scholarship and Finnemore and Sikkink's work. Constructivist Institutionalism is a theoretical framework that seeks to understand political phenomena by focusing on the productive power of ideas, norms, identities, discourse and institutional rules on political actors' behavior. The method does not focus on institutions as a means of coordinating pre-existing state interests, but rather on the ways in which institutions shape the

interests, obligations and actions appropriate to actors (Hay, 2009; Bell, 2011). The theory is highly suitable to the study of the African Union's shift from the ethos of non-interference in the Organization of African Unity to the ethos of non-indifference of the AU. Article 4(h) of the Constitutive Act, which gives the Union the authority to intervene in cases of war crimes, genocide and crimes against humanity, is no longer only a rule of the institution, but a major normative reconfiguration of sovereignty and the responsibility of the continent. In a constructivist-institutionalist approach, the AU's Peace and Security Council (PSC), African Peace and Security Architecture (APSA), African Commission on Human and Peoples' Rights, peace support operations and accountability initiatives can therefore be seen as institutions that generate, interpret, diffuse, and potentially internalize new norms of civilian protection, human rights and accountability.

The framework is further premised on the relationship between norms and political agency in achieving institutional effectiveness. The AU has formal power to act in response to atrocities, but the notion of sovereignty, solidarity and non-interference may have different meanings for member states; this creates a gap between normative commitments and enforcement. This applies especially to the Boko Haram conflict, where the AU and the Multinational Joint Task Force have introduced co-operative mechanisms in line with internationally agreed humanitarian and human right principles and standards, with accountability limitations due to institutional capacity and political interests, and reliance on member-state cooperation. By adopting such an approach, it is possible for this research to investigate the dynamics within which AU norms are built, institutionalised and implemented, the reasons for non-compliance and the reasons why strong norms can coexist with weak accountability results. It is therefore appropriate to think of it as a connecting analytical thread between the normative change of the AU and the failure to implement its mandate regarding the prevention and punishment of conflict-related atrocities.

Literature Review

Atrocity Crimes and the Emergence of Non-Indifference about the African Union

African regional responses to atrocity crimes evidence a major shift in the regional understanding of sovereignty, intervention and accountability. African Union (AU) was established in 2002, which provided an important normative shift from the Organization of African Unity (OAU), which was bound by the principle of sovereign equality and non-interference, thereby limiting the collective response to internal conflicts. The AU Constitutive Act, which introduced a more interventionist normative framework, established powers to intervene in a member state in the event of grave circumstances such as war crimes, genocide and crimes against humanity (African Union, 2000) under Article 4(h). This principle has been broadly understood as a shift from non-interference to non-indifference; from a sovereign who cannot be held accountable by outsiders to a sovereign who has some responsibilities towards populations. Two key factors of this normative shift are that atrocity prevention is not seen as a solely national responsibility, and that the term "atrocities" is no longer associated exclusively with foreign intervention. The Peace and Security Council (PSC) of the AU, the African Peace and Security Architecture (APSA), the African Commission on Human and Peoples' Rights (ACHPR), peace support operations and transitional justice mechanisms have all helped to establish an institutional framework for the Union's response to conflict and mass violations. The AU's normative development has subsequently expanded beyond intervention towards prevention, civilian protection, transitional justice and accountability. But academics have warned that the presence of progressive norms does not necessarily mean that they are being effectively implemented. Constructivist institutionalist scholarship is useful here, as institutions are not only seen as settings in which pre-designed state interests are played out, but also as spaces where norms, identities, ideas and understandings of appropriate behaviour are built and challenged

(Hay, 2009; Bell, 2011). As seen from this point, the AU's non-indifference is a normative milestone but the implications for practice rely on the understanding of sovereignty, political legitimacy, security and responsibility of the member states.

The AU Peace and Security Architecture and Accountability

There is a significant amount of literature that focuses on APSA as the main institutional mechanism for the AU to implement conflict prevention and management. The PSC is at the centre of this architecture, having a key role in conflict prevention, in peace-making, in peace support operations, in post-conflict reconstruction and the promotion of peace and security. The role of the PSC is widely recognized in the literature, and the limitations of political divisions, financial dependence, and operational capacity and member states' willingness to implement collective decisions are recognized. This concern has been reiterated in recent evaluations. In 2025, political divisions and increasing focus on state sovereignty persisted in limiting accountability measures, while the PSC took action to underscore the value of human rights in its mandate for peace and security, according to Human Rights Watch's World Report 2026. The report also identifies shortcomings in the PSC's civilian harm and atrocity response in a handful of African conflicts (Human Rights Watch 2026). However, this literature shows that there may be an important difference between the process of conflict management and accountability, and that it is possible to mediate conflicts, undertake peace support missions or military cooperation in such a way that investigations, prosecutions or reparations are not initiated. In the literature, it is therefore suggested that peacebuilding and accountability be not considered synonymous, and that the end or control of violence can be an important condition for justice but not responsibility for violations. It cautions against external architects of justice and their potential to be instrumentalised, co-opted and marginalised of local justice experiences (Njeru & Masiya, 2025). This distinction is especially

important to this study. When viewed primarily through the lens of military cooperation and anti-insurgent success by the AU, the question of justice for the victims and the accountability for alleged violations by the armed groups and the AU's armed forces may be neglected. The key question is, then, how to link civilian protection with documentation, investigation, evidence preservation and prosecution in the AU's peace and security institutions.

An Analysis of Transitional Justice and Impunity, and How They Apply to the Fight against Impunity

The other strand of literature has focused on the evolution of African transitional justice mechanisms, the approval of the African Union Transitional Justice Policy (AUTJP) in 2019 is a significant normative achievement. The Policy takes a very broad approach to transitional justice, covering accountability, truth-seeking, reparations, reconciliation, institutional reform and safeguards against recurrence. Its significance lies, in part, in the fact that sustainable peace must deal with the legacy of violence in societies that go beyond simply ending armed conflict. Previously there was a focus on the connection between peace, justice, accountability and reconciliation in a scholarship of the AU Transitional Justice Policy Framework. The framework aimed to sidestep the perception of these objectives as mutually exclusive and rather saw them as interrelated aspects of sustainable peace (Murithi, 2018). This argument is further developed in recent literature. In an editorial in the International Journal of Transitional Justice, the authors contend that the AU Transitional Justice Policy contains lessons learnt from around the last 30 years of experience in transitional justice in Africa, and offers a contextually appropriate way of addressing past and current violations. The literature then highlights a new, more African transitional justice approach, going beyond the comparatively narrow retributive justice model (International Journal of Transitional Justice, 2024). The ongoing institutionalisation of the transitional justice and post-conflict peacebuilding agenda is also reflected in the

PSC's 2024 communiqué. The PSC made a clear link between truth, justice, accountability, peace and reconciliation and urged for enhanced implementation of the AU Transitional Justice Policy and mechanisms of post-conflict reconstruction (African Union Peace and Security Council, 2024).

The Boko Haram Menace in the Lake Chad Basin and the Accountability Challenge

There is an important empirical basis in the literature on Boko Haram for the study of the AU's accountability dilemma. Boko Haram's insurgency has led to the large-scale killing, abductions, sexual violence, forced marriage, displacement, destruction of property and other violations in the north-eastern parts of Nigeria and adjoining countries of Cameroon, Chad and Niger. The regional nature of the conflict has led to cooperation among the different regions and helped build up the Multinational Joint Task Force (MNJTF). The war underscores the challenge of distinguishing between military security and protection of human rights. While counter-insurgency operations are required to prevent the attacks of armed groups against the population, there is sometimes a risk that military actions that are meant to safeguard the population will also lead to accusations of unlawful detention, disproportionate force, and other human rights abuses. In its 2024 human-rights investigation, Amnesty International found violations of international humanitarian law (IHL) and human-rights abuses by Boko Haram and allegations of abuses by Nigerian authorities against girls and young women who escaped Boko Haram captivity, the report was based on interviews with 126 people mainly with Boko Haram members. Denis & Ibietonye (2023) explore the reasons for the continuing nature of violent conflicts in the Northeast region of Nigeria and unpack several factors including governance, political motives, economic inequality, poverty, low literacy and an overreliance on counter-insurgency measures. It also calls for a more "people oriented" approach to counterinsurgency. A few issues that were particularly highlighted in the Amnesty report were prolonged detention, inadequate

reintegration assistance, and the ongoing lack of effective justice for survivors (Amnesty International, 2024).

This evidence is important because it jeopardizes a traditional security-based understanding of the conflict. Non-state armed groups are responsible for committing violations and accountability should reflect this, as well as include allegations against state security institutions. The one-sided approach to accountability may end up becoming a tool for counter-terrorism and not a fair and balanced process of ensuring accountability and protecting victims. As they are interpreted in political processes within institutions, their implementation may rely on different understandings of national interest, of sovereignty and of legitimacy (Hay, 2009). Recent reporting in the Lake Chad region is also a testament to the conflict's continued relevance. However, there are still Boko Haram linked armed groups operating and the civilian population is also still facing insecurity, displacement and humanitarian vulnerability. This implies military degradation of insurgent groups has not always been accompanied by lasting human security and full justice. Therefore, the continued insecurity demands that the link between military responses and civilian protection and accountability should be explored, rather than military outcomes should be the only measure for regional security cooperation.

Gap in the Literature

Three important conclusions can be drawn from the literature searched. First, there has been a significant shift in the normative framework of the AU, shifting from a sovereignty-oriented approach to one which is non-indifference, civilian protection and rejection of impunity. Second, the continent has built up an extensive institutional framework with the PSC, APSA, peace support operations, human-rights institutions and transitional justice mechanisms. Third, there are significant issues from the political will, institutional coordination, and the implementation of the national level, all the way to the evidence preservation and accountability

for non-state and state perpetrators of violations. But there is one critical item left. The current scholarly work on the issues of peace and security capacity, transitional justice and human-rights protection or Boko Haram focuses on these topics individually. Few studies have focused on the relation between the AU's normative change and the corresponding accountability measures produced in a transnational counter-insurgency conflict. Specifically, there is a lack of a coordinated and integrated treatment of the ways in which the AU's principle of non-indifference is reflected in the different processes of investigation, prosecution, reparations and institutional reform undertaken or facilitated by the PSC, APSA, MNJTF, human-rights institutions and national accountability mechanisms. This study is meant to fill this void by examining the norm–institution–implementation nexus in the AU norm-based architecture for atrocity accountability through analysis of the Boko Haram conflict as a critical case. It is not just a question of the presence of accountability mechanisms, but how norms of non-indifference and anti-impunity are institutionalized, interpreted, and implemented, and why there are major disconnects between continental norms and outcomes of accountability. The study adds to the literature by integrating the discourses on African regional security, atrocity prevention, transitional justice and institutionalism in a single framework.

Methodology

This research is qualitative research with interpretive research design, case approach and supplemented by interpretive qualitative comparative analysis. It was purposively selected to form the core of the study given the extensive empirical context it offers to explore the link between regional conflict management and accountability for serious violations, and it is the largest insurgency in the world in terms of the number of fatalities. Boko Haram and allied armed groups have been fighting alongside

Nigerian and other national security forces, the Multinational Joint Task Force (MNJTF), the Lake Chad Basin Commission, the African Union and other international and regional actors. It therefore offers a chance to analyse the distribution of responsibility for civilian protection, human-rights compliance, investigation and accountability at various institutional levels. The conflict has seen Boko Haram commit serious abuses, while state security forces have been accused of abuses such as unlawful detention. Evidence of these violations have been documented in the conflict and there have been allegations of violations by state security forces, such as unlawful detention. The Boko Haram case is studied instrumentally to shed light on the broader issues of regional (African) accountability because it is not studied as such in isolation. The study also uses limited comparative analysis, using secondary evidence from selected African conflicts, where evidence is available, to identify patterns of civilians protection, AU intervention, accountability and institutional fragmentation and state cooperation. The comparative cases are hence not in the sense of case studies of their own, but are employed for analytical contextualisation.

The institutional response to atrocities related to the conflict is the key unit of analysis. Specifically, it explores decisions, policies, interventions and accountability measures with respect to: the African Union Assembly and Commission; the African Union Peace and Security Council; the African Union Peace and Security Architecture (APSA); African Union peace support operations and compliance mechanisms; Regional Economic Communities and regional security arrangements; the Multinational Joint Task Force in the Lake Chad Basin; the African Commission on Human and People's Rights; national justice and accountability institutions; international criminal justice institutions; and human-rights and humanitarian organisations, with documentation relevant to violations and accountability. The institutional emphasis enables the study not to just catalogue atrocities, but to explore who is

responsible for responding to them, what 'tools' exist, how they connect, and where they fail.

Sources of Data

The study is based on the secondary documentary data only. There are no primary interviews or questionnaires used. There are four types of documentary sources. Firstly, primary institutional and legal documents are the main evidence. These are the AU Constitutive Act, Protocol Relating to the Establishment of the Peace and Security Council, the AU Peace and Security Council communiqués and decisions, decisions of the AU Assembly, policy documents affecting the APSA, the AU Transitional Justice Policy, the AU human-rights instruments, the African Charter on Human and Peoples' Rights, relevant ECOWAS documents, relevant Lake Chad Basin Commission documents and applicable national and international legal instruments. The 2019 AU Transitional Justice Policy is especially significant due to its connection to the policy framework for justice, accountability, reconciliation, reparations and institutional reform for sustainable peace in the continent. Second, institutional and operational reports were analyzed, these include AU Commission reports, PSC activity reports, peace-support-operation reports, documentation related to MNJTF, United Nations reports, and other official reports relating to civilian protection, and with regards to the compliance with international humanitarian law and human-rights obligations. Special focus is paid to the AU's evolving Compliance and Accountability Framework (AUCF) that aims to reinforce compliance of the AU's peace support operations with international humanitarian and human-rights law, via prevention, response and remedial action.

Third, triangulation with independent human-rights and conflict-monitoring reports supplements official accounts, and these are sourced from Amnesty International, Human Rights Watch, the International Committee of the Red Cross, relevant United Nations agencies and other trustworthy conflict-monitoring organisations. For instance, Amnesty

International's 2024 research with Boko Haram survivors offers documentary proof of Boko Haram's violations and allegations of abuse by the Nigerian authorities, including extended unlawful detention. Fourth, scholarly literature was researched using peer-reviewed journal articles, academic books and book chapters on issues of African regional security, atrocity crimes, transitional justice, AU peace operations, international humanitarian law, international accountability and Boko Haram and constructivist institutionalism.

Data Collection Procedure

The data collection was conducted by using a systematic documentary search procedure, among the official AU, PSC, REC, national government, UN and international judicial databases, peer-reviewed academic databases, and well-known human-rights organisations. The documents are documented by date, issuing body, conflict/country, type of accountability mechanisms, alleged violation, institutional response, legal, normative basis, and implementation outcome and relevance to the research questions. The study is mainly focused on the period sweeping from 2002, when the African Union was formed to the present day, up to 2026. It allows for consideration of how the AU's founding normative framework has evolved from the founding of the AU to the present, and how APSA, the PSC, peace-support mechanisms and the Transitional Justice Policy have developed in this period, as well as contemporary developments in AU compliance and accountability mechanisms.

Data Analysis

A thematic analysis was used to analyze the collected documents, as described by Braun and Clarke (2006, 2021). The analysis process involves six steps that are interrelated: familiarisation with the documentary material, generation of initial codes, identification of potential themes, review of themes, definition and naming of themes, and interpretation and presentation of findings. Thematic analysis is

suitable as it enables systematic identification of common themes across the legal documents, institutional decisions, conflict reports and scholarly literature, while maintaining the context of the evidence. The coding framework

is created deductively from the research questions, and inductive themes are emerging from the documents. The following is a list of the most important analytical codes:

Analytical Dimension	Indicative Codes
Normative framework:	non-indifference, sovereignty, non-intervention, human rights, IHL, anti-impunity
Institutional response:	PSC decisions, mediation, sanctions, intervention, peace operations, civilian protection
Accountability mechanisms:	investigation, documentation, evidence preservation, prosecution, reparations, transitional justice
Institutional coordination:	AU–REC cooperation, AU–UN cooperation, national institutions, international justice
Implementation constraints:	sovereignty, political will, capacity, funding, institutional fragmentation, state cooperation
Accountability outcomes:	investigations, prosecutions, convictions, reparations, institutional reform, impunity
Constructivist dimensions:	norms, identities, discourse, interpretation, institutionalisation, norm internalization

Triangulation and Trustworthiness

Using source triangulation increases the credibility of the study. The statements of the AU/national authorities are contrasted with those of human-rights groups, the UN, academic publications, and other independent sources. The claims made in NGO reports are not accepted as facts without question; claims were, where possible, correlated with official documents, judicial documents and other independent sources of evidence. In addition, the study uses institutional triangulation, concluding the evidence of the AU, PSC, RECs, national governments, human-rights bodies and international institutions. The significance of this is especially underscored in the context of conflict research, since the official institutions,

armed groups and civil-society groups can produce significantly different narratives of the same event.

Findings

The documentary analysis led to the identification of four key observations about the African Union's response to war crimes and other grave violations in the Boko Haram conflict and similar African conflicts. First, the AU has gradually developed a robust set of norms on how to react to atrocity crimes. The principle of non-indifference, which is the hallmark of the Constitutive Act, in particular the principle of Article 4(h), is a fundamental shift from the OAU's traditional stance on non-interference. The PSC, APSA, human-rights institutions and

the Transitional Justice Policy have then formalized principles of civilian protection, human rights, accountability and prohibition of impunity. This further validates Williams' (2007) conclusions in literature that the AU has built up a unique security culture where there is growing legitimacy for continent-wide responsibility for populations suffering from serious violations. The second is that AU and its regional partners have shown greater institutional capacity to manage conflicts and to cooperate militarily than to hold violators to account after conflict. The MNJTF has facilitated regional cooperation in the Lake Chad Basin which has been an important mechanism in addressing Boko Haram's transnational threat. But there has been no similarly robust system of investigation, evidence preservation, prosecution or reparations to accompany the military operations. The evidence thus suggests that there is an imbalance between the security function of regional institutions and their justice function. This discovery is aligned with literature that doubts that there has been enough operationalisation of the AU principle of non-indifference, beyond the declarations and the security interventions (Sarkin, 2016).

The third is that the resistance of state sovereignty is a significant obstacle to the realization of norms of continental accountability. The AU normative framework has been accepted by member states but is very much reliant on national cooperation for implementation. Thus, the states most likely to investigate and prosecute violations have political, institutional or security vested in them that might make the prospect of more external review undesirable. The evidence then argues against the possibility of norm acceptance leading to norm internalisation. Similarly, Williams (2007) shows that the norms of security in AU have been institutionalised "unevenly" between member states. In addition to institutional and political aspects, the structural aspects that contribute to insecurity must also be taken into account. Ibiotonye (2026) contends that socio-economic inequality, unequal access to political power, and inequitable opportunities are important structural factors that fuel violent conflicts and insecurity across Africa. The

perspective is applicable to the Boko Haram case because there is an inseparable link between accountability and sustainable peace and socio-economic conditions that make people vulnerable to conflict. Regional accountability mechanisms, therefore, need to be complemented by other accountability measures for exclusion, inequality, poverty and political marginalisation.

The fourth is that the accountability responsibilities are spread among the AU and PSC, RECs, MNJTF, national governments, human rights institutions and the international justice mechanisms. This institutional pluralism offers several points of intervention, but also leaves room for problems of coordination with regard to documentation, jurisdiction, maintaining documentation, investigation and prosecution. As a result, the analysis concludes that there continues to be a norm-implementation gap: the AU has increasingly been creating norms and institutions that would enable it to respond to atrocities, but translating the norms into predictable, effective accountability is not always consistent. This is in line with research which indicated that many times, institutions in the AU have limited effectiveness at the implementation level, even when they have a good level of normative development (Latib, 2020).

Discussion of Findings

The results show that the lack of norms prohibiting atrocity crimes was no longer the main concern facing the African Union, but how these norms could be institutionalized into uniform practice and how they could be translated into accountability. When considered in the context of Constructivist Institutionalism, which focuses on the influence of ideas, norms, identities and institutional rules on political behaviour (Hay, 2009; Bell, 2011), this conclusion is important. The AU experience has proved that the capacity to be normatively institutionalised can be both a strength and a weakness. The first is on the establishment of a continental normative framework, which supports the reason that the AU is a major shift

from the traditional sovereignty-based order of the OAU. One of the fundamental changes in the normative perception of the concept of sovereignty is that the principle of non-indifference has laid the groundwork for collective continental concern when there are grave violations like genocide, war crimes and crimes against humanity. This change is described by Williams (2007) as the emergence of a new African security culture, and more recent research shows that the concept of non-indifference has become an integral part of African strategies to human security and regional intervention.

This shift is significant from the Constructivist Institutionalism point of view because it shows that institutions are not simply reacting to material interest, but also they are creating new understandings of proper political action. The AU has thus contributed to the redefinition of what the African states are supposed to do when populations are exposed to massive violations of their rights. Another example of this is the Transitional Justice Policy adopted and compliance mechanisms developed in AU peace support operations; both of which also demonstrate the integration of accountability into the AU institutional lexicon. Yet the second finding shows a serious problem normative institutionalisation is progressing at a rate faster than practical enforcement. The Boko Haram case is an example of this. The AU and its regional partners have been able to back collective military action through the MNJTF, and thus have shown that African states can transcend sovereignty issues when faced with a shared transnational security threat. However, it is not clear that any mechanisms exist for individual accountability for violations when there is military cooperation. The literature also has raised the issue of whether the commitments of the AU in its normative documents have been consistently translated into practice (Sarkin, 2016).

Explanation for this discrepancy can be found in the third finding, that is, sovereignty and political will. Constructivist Institutionalism does not take it for granted that institutional norms are a direct determinant of state action. Instead, norms

are meaningfully interpreted, challenged and negotiated in a political process. African players have agency in shaping the concept of security because of their divergent portrayals of it; for instance, the concept of non-indifference has various operational definitions. As Jaensch's analysis of African peace and security shows, the concepts of peace and security in Africa are not necessarily interpreted in the same way, resulting in divergent interpretations of, for instance, non-indifference. This is especially pertinent to the current study. In some member states, non-indifference may justify a military intervention in the region against an armed group, while in other member states, the same principle may be interpreted more circumspect in the context of external monitoring of the operation of national security institutions. This is why the AU's normative framework can be seen as both progressive and less than effective. Norms are internalised but not equally. Williams (2007) also contends that transnational norms can be incorporated into the various instruments of the AU without being adopted by all its member states. The finding therefore lends support to the Constructivist Institutionalist proposition that institutional outcomes are the result of the interplay of formal rules and the ideas of political actors, their identities and their interests.

The implementation gap is also accounted for by the fourth finding which relates to institutional fragmentation, as the AU does not have a single integrated continental accountability system. Responsibility is shared by the national courts, the PSC, the RECs, the ACHPR, peace operations and international criminal justice institutions. This means that there is a possibility for cooperation but with uncertainty over who should gather evidence, who should investigate reported violations, which institution would prosecute offenders and how information would be shared among institutions. The fragmentation is especially worrisome in the context of the Boko Haram conflict as the violence is "transnational." Boko Haram and associated groups have been active in Nigeria, Cameroon, Chad and Niger, and multiple states have been engaged in security responses. Cooperation, in turn, is necessary for accountability. If cooperation is lacking, evidence could be lost,

investigations may be postponed, and victims may not receive adequate remedies. The discovery aligns with Latib's (2020) overall observation that the implementation of governance is often the most challenging aspect of AU governance, rather than the norm formation. The study thus suggests a continuum for assessing the effectiveness of the AU's atrocity-accountability architecture, going from norm construction to institutionalisation, to operationalisation, to enforcement and to the achievement of accountability outcomes. The AU has advanced significantly in the first two stages and is still relatively weak in the last stages. It is the reason why a complex normatively designed architecture can still flourish with impunity.

The results thus add significantly to the existing literature. There is no evidence that the AU has failed to establish the necessary norms or institutions, but rather that its main challenge is in the process of making the norms institutionalised and then coordinated for enforcement. Regional cooperation is possible when the member states consider themselves a common security threat as in the Boko Haram case, accountability, however, demands further level of political commitment as it can challenge the existing country's security interests. Finally, a contradiction is explained by Constructivist Institutionalism. The AU has shifted the rules of the game in which African states play, yet it has not been the final basis for political calculations that drive implementation. The success of continental accountability will thus require deeper internalization of existing accountability norms, enhanced coordination between institutions, enhanced capacity to preserve evidence, enhance independence of investigations, and increased linkages between peace operations, human-rights monitoring, domestic prosecution, transitional justice and regional and international judicial accountability mechanisms, rather than simply the establishment of new institutions. The study in this regard corroborates the current reality of the AU that the challenge today is to shift from normative commitment to credible and predictable accountability.

Conclusion

This study examined the African Union's response to war crimes and other grave violations arising from regional conflicts, using the Boko Haram insurgency in the Lake Chad Basin as the principal study. The study demonstrates that the African Union has undergone an important normative transformation from the traditional sovereignty-centred approach of the Organisation of African Unity towards a principle of non-indifference that recognises collective responsibility for grave violations, including war crimes, genocide and crimes against humanity. The establishment of the Peace and Security Council, African Peace and Security Architecture, human-rights institutions, peace support mechanisms and the African Union Transitional Justice Policy demonstrates substantial institutional progress in addressing conflict and impunity. However, the findings reveal a persistent gap between normative commitment and practical accountability. First, although the AU has established progressive norms against impunity, these norms have not consistently translated into enforceable accountability outcomes. Second, the response to Boko Haram demonstrates that military and security cooperation, particularly through the Multinational Joint Task Force, has developed more substantially than mechanisms for investigation, prosecution, reparations and other forms of justice. Third, state sovereignty and uneven political commitment continue to limit the willingness of member states to accept external scrutiny, particularly where state security institutions are implicated in alleged violations.

Fourth, fragmentation among the AU, Regional Economic Communities, national institutions, human-rights bodies and international justice mechanisms weakens coordination and creates gaps in evidence preservation, investigation and prosecution. Viewed through Constructivist Institutionalism, these findings demonstrate that institutional norms can reshape political expectations without automatically determining political behaviour. The AU has successfully constructed and institutionalised the principle of non-indifference, but its internalisation and

enforcement remain uneven. The central challenge is therefore not the absence of continental norms but their effective translation into coordinated institutional practice. The study concludes that sustainable atrocity accountability in Africa requires moving beyond norm construction towards implementation, enforcement and institutional coordination. Strengthening the relationship between peace operations, human-rights monitoring, evidence preservation, domestic justice, transitional justice and regional and international mechanisms will be essential to transforming the AU's commitment to non-indifference from a normative aspiration into a predictable system of protection and accountability.

Recommendations

- **Strengthen AU accountability mechanisms** by converting non-indifference norms into enforceable procedures for investigating, prosecuting, and sanctioning perpetrators of atrocity crimes.
- **Integrate accountability into peace operations** by mandating systematic documentation, evidence preservation, civilian protection, and referral of credible allegations for prosecution.
- **Strengthen member-state compliance** through clearer enforcement measures, political incentives, and institutional safeguards that reduce sovereignty-based resistance to independent accountability processes.
- **Establish stronger AU–REC–national coordination** through integrated evidence-sharing, investigative, prosecutorial, and judicial mechanisms capable of addressing transnational atrocity crimes.

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